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**MEMORANDUM OF AGREEMENT  
BETWEEN  
COMMANDER, NAVY INSTALLATIONS COMMAND  
AND  
JUDGE ADVOCATE GENERAL OF THE NAVY**

Subj: MEMORANDUM OF AGREEMENT (MOA) FOR FUNDING AND  
RESPONSIBILITY OF LEGAL SERVICES WITHIN THE COMMANDER,  
NAVY INSTALLATIONS COMMAND (CNIC) ENTERPRISE

Ref: (a) OPNAVINST 5450.339 ("Mission, Functions, and Tasks of  
Commander, Navy Installations Command")  
(b) Uniform Code of Military Justice  
(c) CNIC/JAG MOA of Apr 05  
(d) Change Transmittal 1 to CNIC/JAG MOA of 26 Jul 06  
(e) COMNAVLEGSVCCOMINST 5450.1G ("Mission, Functions, and  
Tasks of Naval Legal Service Command Offices")  
(f) Unified Facilities Criteria (UFC) 2-000-05N/61040  
(g) JAG/COMNAVLEGSVCCOMINST 5530.2C ("Navy Courthouse  
Security Procedures")  
(h) CNICINST 5530.14 ("CNIC Ashore Protection Program")  
(i) BUPERSINST 1610.10C ("Navy Performance Evaluation  
System")

1. Purpose. This MOA outlines funding and responsibility for  
Region Legal Service Office (RLSO) support costs and designates  
authority and responsibility with respect to legal services  
across the shore enterprise.

2. Background

a. CNIC is an Echelon II authority with centralized shore  
installation management functions worldwide. In accordance with  
reference (a), CNIC exercises administrative control over all  
Navy installations. As such, CNIC establishes uniform practices,  
procedures, and standards for the distribution and management of  
funding and personnel used to support shore installation  
management. The legal services rendered by judge advocates and

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associated legal personnel are an integral component of the shore installation support that CNIC provides to the Fleet.

b. In accordance with Article 6 of reference (b), the Judge Advocate General (JAG) is responsible for overseeing and supervising the provision of legal services by Naval Legal Service Command (NLSC) and Navy Staff Judge Advocate (SJA) offices in support of shore activity commanders. The JAG also serves as the OPNAV Command Assist Official for Commander, NLSC (CNLSC).

c. CNLSC is an Echelon II authority which oversees legal services in support of the CNIC shore infrastructure by exercising command over and providing direction to all Region Legal Service Offices (RLSOs), Defense Service Offices (DSOs) and subordinate legal offices with respect to organization, training and administration. In accordance with references (c) and (d), at the time RLSOs were created, all military and civilian legal billets that were assigned to CNIC, other than those associated with the Office of General Counsel and corresponding legal program budgets to support RLSO, were transferred to CNLSC from CNIC.

3. Cancellation. When effective, this agreement supersedes references (c) and (d).

#### 4. Definitions

a. RLSO. A RLSO is an Echelon III command under CNLSC that provides legal assistance services to eligible persons and prosecution and command services to a Region Commander (REGCOM) and commands within a region. RLSOs oversee legal assistance personnel, trial counsel and all CNIC-claimancy SJA personnel (officer, enlisted and civilian) for a particular region. The areas of responsibility and mission, functions and tasks for RLSOs are delineated in reference (e).

b. DSO. A DSO is an Echelon III command under CNLSC that provides advice and representation at courts-martial and administrative proceedings for eligible service members. The areas of responsibility and mission, functions and tasks for DSOs are delineated in reference (e).

c. Adequate facilities. Facilities that allow a RLSO to accomplish its mission and offer sufficient security, space, and host command support (e.g., base operations and costs for

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sustainment, replacement and modernization of facilities) keeping in mind the requirements for privacy in the attorney-client relationship and the facilities standards in Series 600 of reference (f). Unless otherwise specified in this MOA, DSO facilities and costs will be addressed through standard tenant command/installation procedures.

5. Responsibilities

a. CNIC will:

(1) Provide each RLSO with adequate office space and courthouse facilities, including utilities. For purposes of this agreement, "utilities" includes electricity, steam, and water. Further, in accordance with reference (g), a "courthouse" is a building or designated and secured portion of a building that is designed or used to convene military justice proceedings. CNIC will directly fund the following RLSO support costs: telephone and line rentals, cell phones deemed essential by the REGCOM, equipment rental, annual service contracts for equipment, copiers, postal costs, receiving, and life-cycle replacement of furniture and equipment. The legal assistance mission moved to RLSOs on 1 October 2012; accordingly, support costs associated with legal assistance will be the subject of a budget-based transfer from CNLSC to CNIC. Supplies are handled separately from the above support costs. CNIC will fund supply costs not associated with legal assistance through a budget-based transfer to CNLSC (in accordance with paragraph 5.b.(1), after the budget-based transfer, CNLSC will administer all supply funds).

(2) Fund costs associated with the command legal mission that lie within the discretionary responsibility of a REGCOM. In this context, CNIC will fund travel and processing costs associated with courts-martial, administrative hearings, and boards of inquiry, including transcription, transportation of legal counsel/investigating officers to and from specific geographical areas for purposes of conducting military justice proceedings, travel costs associated with command-sponsored investigations, costs associated with command services such as negotiations of international agreements, and costs associated with other types of command-directed mission tasking. If CNIC convenes the military justice or administrative proceeding, regardless of whether the matter arises from a CNIC or tenant command, CNIC will fund the costs resulting from those proceedings on a non-reimbursable basis. Additional costs required to ensure that a particular proceeding is tried in a

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secure location, with Naval Security Force (NSF) present where appropriate, is a cost resulting from that proceeding which will be funded by either the convening authority or CNIC.

(3) Fund manpower costs associated with new SJA requirements, such as those resulting from new Navy programs or new or modified commands or activities. CNIC will advise CNLSC early in the planning process when commands or activities are created or modified. Involving CNLSC in the process will help ensure planning identifies adequate attorney and paralegal support. If CNIC is unable to fund adequate SJA support for meeting a new requirement, then meeting that requirement may depend upon the ability of CNLSC (under Field Support Activity BSO) to fund the additional SJA billets desired.

(4) Provide Courthouse Security support in accordance with references (g) and (h) as follows:

(a) CNIC will ensure that military justice proceedings that have been assessed as a medium or high risk for violence are appropriately manned by NSF personnel as agreed upon by the Region Security Officer (RSO) or Installation Security Officer (ISO) and the RLSO.

(b) CNIC will ensure that NSF personnel who provide courtroom security for cases deemed a medium or high risk for violence are qualified in accordance with appropriate Personnel Qualification Standards and provide support in accordance with Navy Tactics, Techniques, and Procedures.

(c) CNIC will assist CNLSC in the development of courthouse security training materials for NLSC and non-NSF personnel.

(d) CNIC will monitor duress and other alarms installed in courtrooms and judge chambers.

b. CNLSC will:

(1) Consistent with paragraph 5.a.(1), complete a budget-based transfer to CNIC to provide for legal assistance support costs. CNLSC will assume responsibility for funding supplies not associated with legal assistance following the budget-based transfer from CNIC to CNLSC described in paragraph 5.a.(1). CNLSC will also fund command-specific or legal-specific RLSO supplies (e.g., notary seals, subscriptions/law books, nametags,

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command plaques, medals) and any common support costs that support both RLSO and DSO operations.

(2) Fund Navy-Marine Corps Intranet seat costs, overseas information technology costs, and training costs for all active-duty military and civilian personnel.

(3) Assign personnel to all military and civilian billets, including existing SJA billets. CNLSC will provide each RLSO with sufficient billets and manpower to provide all trial counsel (prosecution) and legal assistance functions. New or modified SJA requirements will be coordinated consistent with paragraph 5.a.(3). The legal needs of each individual Region will be evaluated periodically by CNIC and CNLSC.

(4) Provide Courthouse Security support in accordance with reference (g) as follows:

(a) The Office of the JAG or CNLSC will fund facility improvements and equipment standardization necessary to meet specific courthouse security requirements in accordance with reference (g).

(b) CNLSC will ensure that potential costs of overtime to provide required NSF personnel for military justice proceedings are taken into account when scheduling proceedings and minimized to the extent feasible while conducting proceedings.

(c) CNLSC will coordinate with Naval Criminal Investigative Service and the RSO or ISO to assist in properly assessing the risk of violence for court proceedings and to ensure the appropriate level of security is provided.

(5) Act as the JAG's executive agent for the purpose of this agreement.

## 6. Organization and Reporting Relationships

a. CNIC, REGCOMs, and installation Commanding Officers (COs) exercise authority and responsibility in accordance with pertinent law and regulations for the execution of their respective missions, including good order and discipline, convening authority decision-making, courthouse security in accordance with references (g) and (h), and other mission-related legal matters.

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b. RLSO COs report to CNLSC and execute CNLSC direction with respect to organization, training, administration, and policy. Consistent with reference (a), RLSO COs serve as region legal officers and SJAs. Accordingly, RLSO CO billets are designated as additional duty (ADDU) to the co-located REGCOM. RLSO COs will organize legal support to deliver services under RLSO cognizance effectively and efficiently. RLSO COs are available for legal advice to the REGCOMs, except for military justice SJA advice per subparagraph 6.e. below. Consistent with reference (i) and this agreement, CNLSC is the reporting senior for RLSO COs, and REGCOMs are the concurrent reporting seniors on all fitness reports.

c. Each RLSO CO shall designate in writing an O-4 or O-5 SJA as ADDU to the co-located REGCOM to provide advice and services as necessary to execute day-to-day mission responsibilities for the REGCOM staff. Exceptions to this requirement must be coordinated with and agreed to by the REGCOM. SJA advice and services include the full spectrum of practice areas relevant to REGCOM's mission, including independent advice on military justice matters per subparagraph 6.e. below. Consistent with reference (i) and this agreement, the RLSO CO is the regular reporting senior, and the REGCOM is the concurrent reporting senior for the designated SJA.

d. Each RLSO CO may designate in writing an officer to serve as primary legal advisor to an installation CO. Designations will specify the scope of services and whether this will be on a full or part-time basis. If no such officer is appointed, the RLSO CO shall ensure advice to the installation CO is provided upon request. Consistent with reference (i) and this agreement, the RLSO CO is the reporting senior for the installation CO legal advisor and will consider the installation CO's input when preparing the fitness report.

e. RLSO CO supervision of prosecution/trial counsel functions is integral to the delivery of legal services. To ensure this role is apparent to the REGCOM, the RLSO CO will not provide SJA advice on military justice matters. The SJA designated under paragraph 6.c. above will provide independent SJA advice to the REGCOM on military justice matters and, when necessary, may provide similar independent advice to COs and Special Court-Martial Convening Authorities. Military justice

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SJA advice must be rendered independent and consistent with the  
UCMJ and Rules for Courts-Martial.


f. In regions where there is a billeted Regional  
Environmental Counsel (REC), CNLSC will ensure the senior such  
billet is designated as ADDU to the co-located REGCOM. The REC  
shall be functionally supervised by RLSO CO. In regions without  
a billeted REC, the RLSO CO or SJA will provide military legal  
advice on environmental law matters. Consistent with reference  
(i) and this agreement, the RLSO CO is the regular reporting  
senior for a REC serving in a designated billet, and the REGCOM  
is the concurrent reporting senior.

7. Points of Contact. The action offices named below are the  
respective points of contact for, and will provide periodic  
updates as required by CNIC or CNLSC on, the implementation of  
this agreement.


a. CNIC Force Judge Advocate: (202) 433-4828.

b. OJAG Division Director for Operations, Management, and  
Plans: (202) 685-8372.

8. Effective Date. This MOA is effective upon signature by both  
parties and shall remain in effect for three (3) years from the  
date of final signature. Modifications or termination can be  
executed as agreed upon by both parties in writing.

  
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NANETTE M. DeRENZI  
JUDGE ADVOCATE GENERAL OF THE  
NAVY

Date: 31 Oct 2012

  
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W. D. FRENCH  
COMMANDER, NAVY INSTALLATIONS  
COMMAND

Date: 3 Nov 2012